



United States Bankruptcy Court District of Delaware

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Honorable Kevin Gross
Chief Judge

David D. Bird
Clerk of the Court

General Chambers Procedures



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Overview

Unless otherwise ordered, the following procedures apply to all Judges and are to be followed when practicing in this Court.

For additional guidelines, click on the following links to be taken to:

- [the individual Judge's chambers page](#)
- [the chapter 13 procedures](#)
- [the general order regarding preference adversaries](#)

Section 1: General Provisions

Topic	Procedure
a. Local Rules Govern	<ul style="list-style-type: none">• The Local Rules for the United States Bankruptcy Court for the District of Delaware will govern all procedural aspects of the case.
b. Deliveries to Chambers	<ul style="list-style-type: none">• Any deliveries to chambers must be made during normal business hours.
c. Orders Submitted to Chambers	<ul style="list-style-type: none">• All orders submitted to chambers following a hearing shall be accompanied by a certification of counsel (see Del. Bankr. LR 9013-1(k)) and promptly filed.• No bare orders or letters will be considered.• If orders are not submitted promptly after the hearing, there may be a delay in entry of the order.

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Section 2: Pleadings

a. General	
Topic	Procedure
i. Documents Delivered to Chambers	<ul style="list-style-type: none"> All documents delivered to chambers shall have the docket number and date of filing in the bottom right-hand corner of the first page EXCEPT Orders, where docket reference number of the motion is to be listed in the caption. <i>Example:</i> Case No. 09-10465 (KG) Re: Docket No. 1149 Do not attach the notice of electronic filing.
ii. Motions and Stipulations	<ul style="list-style-type: none"> All motions (except those filed in adversary proceedings) and stipulations requiring notice under Fed. Rule Bankr. Proc. 9019 must be filed with a hearing date and objection deadline. (See <u>Del. Bankr. LR 9006-1(c)</u>).
iii. Stipulations	<ul style="list-style-type: none"> Stipulations must have a separate proposed order attached. "So Ordered" clauses are not permitted.
iv. Proposed Orders	<ul style="list-style-type: none"> All proposed orders shall reference the motion and the docket number of the motion in the caption. Check the format of the document to make sure no signature line and date is on a page by itself.
v. Certificates of No Objection	<ul style="list-style-type: none"> Certificates of no objection (CNO) shall be filed no sooner than two business days after the objection deadline has passed to allow for any paper filings to be entered on the docket.
vi. Briefs and Memoranda	<ul style="list-style-type: none"> All briefs and memoranda (in main bankruptcy cases and in adversary proceedings) must comply with <u>Del. Bankr. LR 7007-2</u> (form and content of briefs). No objection to, or briefs or memoranda in support of, confirmation shall exceed 40 pages.

Section 2: Pleadings, cont.

b. First Day Pleadings	
Topic	Procedure
i. First Day Hearing Binder	<ul style="list-style-type: none">• Click here to be taken to our Hearing Binder Guide for detailed requirements for first day hearing binders.
ii. Drafts of First Day Motions	<ul style="list-style-type: none">• Do not deliver drafts of first day motions to the Clerk's office or chambers. They are to be delivered in final form only after those motions have been filed.
iii. Retention Applications	<ul style="list-style-type: none">• No retention applications will be considered on the first day (except regarding a claims agent).• Such applications must be noticed for a scheduled omnibus hearing date.
iv. Proposed Budget	<ul style="list-style-type: none">• A proposed budget must be included in the first day hearing binder.
v. Pre-Petition Obligations	<ul style="list-style-type: none">• No motion seeking authority to pay pre-petition obligations will be considered unless the motion and attached order include the maximum amount sought to satisfy these pre-petition obligations.

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Section 3: Agendas and Binders

Topic	Procedure
a. Notice of Agenda Binder	<ul style="list-style-type: none"> • Click here to be taken to our Hearing Guide for detailed requirements for notice of agenda binders submitted to our court.
b. Notice of Agenda	<ul style="list-style-type: none"> • A notice of agenda, which shall include the docket number and filing date of each document listed, shall be filed by 12:00 noon, two business days prior to the hearing date in accordance with Del. Bankr. LR 9029-3.
c. Timely Filing	<ul style="list-style-type: none"> • Local counsel for the debtor or trustee is responsible for the timely filing, delivery, correctness, and completeness of the notice of agenda and the related hearing binder. Piecemeal delivery of the notice of agenda and the relevant pleadings is not appropriate. • Absent compelling circumstances, only those items listed on the notice of agenda and the relevant pleadings timely delivered to chambers will be considered. If the notice of agenda and related pleadings are not delivered within the prescribed time limit, local counsel for the debtor or trustee may be assessed a fine.
d. Change of Status	<ul style="list-style-type: none"> • Counsel is required to inform the Judge's chambers immediately if the status of a matter listed on the notice of agenda as going forward has changed (e.g., settled or continued).
e. Rescheduling Hearings	<ul style="list-style-type: none"> • Counsel cannot reschedule or cancel a hearing without proper notification of all interested parties and the courtroom deputy. This includes hearings where all matters have certificates of no objection filed. Please refer to a specific Judge's chambers procedures for additional requirements. Click here to go to the Chambers' Information page on our website.
f. Tabbing Documents	<ul style="list-style-type: none"> • Hearing binders shall contain the notice of agenda, and unbound copies of all documents listed as "going forward," with each document tabbed in accordance with the notice of agenda.

Section 3: Agendas and Binders, cont.

Topic	Procedure
g. Include Only Substantive Documents	<ul style="list-style-type: none"> Hearing binders shall contain only the substantive documents necessary for the hearing (e.g., motions and responses going forward). Do not include in the binder certificates of service or the service lists filed with each pleading unless an issue has been raised about sufficiency of service, in which case only the appropriate portion of the service list shall be included.
h. CNO Binder	<ul style="list-style-type: none"> A separate CNO binder shall be filed by the debtor or trustee with the hearing binder and notice of agenda containing any uncontested matters where certificates of no objection have been timely filed. Do not send loose copies of the certificates of no objection and related motions; inclusion in the CNO binder is sufficient. Click here to be taken to our Hearing Binder Guide for detailed requirements for CNO binders submitted to our court.
i. Binder Due Dates	<ul style="list-style-type: none"> Hearing binders are to be delivered directly to chambers by 12:00 noon, two business days prior to the hearing date, <i>except for</i>: <ul style="list-style-type: none"> the first day hearing binder, which is due immediately after e-filing; the fee applications binder, which is due no later than 12:00 noon one week prior to the hearing date; the objections to claims binder, which is due no later than 12:00 noon two weeks prior to the hearing date. A late hearing binder may result in a fine for debtor's local counsel.
j. Binder Pick Up	<ul style="list-style-type: none"> Generally, binders will be available for firms to pick up in the third floor clerk's office. You will be notified when your binders are ready for pick up. Please remove them within two business days after notification.

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Section 4: Hearings

a. General	
Topic	Procedure
i. Scheduling First Day Hearing	<ul style="list-style-type: none"> A first day hearing will be scheduled no sooner than 24 hours after receipt of the first day binder.
ii. Requesting An Expedited Hearing	<ul style="list-style-type: none"> If requesting an expedited hearing, a motion for expedited hearing shall be filed and a hard copy, together with a copy of the underlying motion to be heard, shall be delivered to chambers for review. The Court will then determine the appropriate hearing date.
b. Use of Technology in the Courtroom	
i. Noticing the Court Regarding Request to Use Technology	<ul style="list-style-type: none"> According to Rule 9036-1(b) Parties intending to use any technology in the Courtroom must give the Court three (3) business days' notice. Notice should be sent via email to debml_Courtroom_Technology@deb.uscourts.gov. Appropriate chambers should also be notified.
c. Proposed Orders	
i. Proposed Orders	<ul style="list-style-type: none"> Counsel presenting matters at a hearing shall bring to the scheduled hearing one unstapled copy of each proposed order with the related document number to be handed up for signature. The copy is to be the same as the proposed order filed with the motion and in the hearing binder. If the proposed order has been revised, counsel shall also present to the Court a blacklined copy showing the changes made and shall make available additional copies of both the proposed order and blacklined copy for parties in interest.

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Section 5: Matters Not Requiring a Hearing

Topic	Procedure
a. Documents Seeking Court Approval Without a Hearing	<ul style="list-style-type: none">The following documents that seek Court approval without a hearing shall be delivered directly to chambers immediately upon filing.<ul style="list-style-type: none">i. Motions for Admission Pro Hac Viceii. Motions to Shorten Notice, along with any referenced motioniii. Stipulations (with a separate order attached) that do not require notice under Fed. Rules Bankr. Proc. 9019, along with any referenced motioniv. Certifications of Counsel, along with the referenced motion and other relevant documents
b. Properly Identifying Documents	<ul style="list-style-type: none">All documents shall have the docket number and date filed in the bottom right-hand corner EXCEPT Orders, where docket reference number of the motion is to be listed in the caption. <i>Example:</i> Case No. 09-10465 (KG) Re: Docket No. 1149
c. Documents Must Be Delivered to Chambers	<ul style="list-style-type: none">If the documents are not delivered to chambers, they will not be considered.

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Section 6: Adversary Proceedings

Topic	Procedure
a. Filing Motions	<ul style="list-style-type: none">• All motions filed in adversary proceedings shall be subject to Del. Bankr. LR 7007-1 (briefs and schedule).• No hearing will be scheduled unless the Court directs.
b. Notice of Completion of Briefing	<ul style="list-style-type: none">• Once briefing is completed, the movant shall file a notice of completion of briefing, which shall include a list of all relevant pleadings and related docket numbers.• Counsel shall then deliver a binder with the relevant pleadings to chambers. Click here for more information about assembling this binder.
c. Motions to Approve a Settlement	<ul style="list-style-type: none">• Motions to approve a settlement of an adversary proceeding shall be filed in the main bankruptcy case and the related adversary proceeding.• The Judge assigned to the main bankruptcy case is responsible for approving settlement motions.• Upon entry of an order approving a settlement, the adversary proceeding will be closed.

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Section 7: Fee Applications

Topic	Procedure
a. Consideration of Fee Applications	<ul style="list-style-type: none"> All fee applications will be considered in accordance with the Local Rules and the respective administrative order entered in each case.
b. Certificates of No Objection	<ul style="list-style-type: none"> Certificates of no objection to monthly statements shall be filed but not delivered to chambers. When fee applications are scheduled on a quarterly basis, copies of the certificates of no objection and their respective fee applications shall be included in the hearing binders. Click here for more information about assembling this binder.
c. Interim Fee Applications	<ul style="list-style-type: none"> Interim fee applications will be scheduled on omnibus hearing dates on a quarterly basis and shall be designated on the proposed order scheduling omnibus hearings.
d. Representation at Hearing	<ul style="list-style-type: none"> A representative for each applicant personally familiar with the services rendered and costs incurred that are the subject of the application shall appear in person at the hearing in support of the application. If such person is not local counsel, then arrangements may be made through the Court-approved teleconferencing facilitator to appear telephonically.
e. Fee Applications Binder	<ul style="list-style-type: none"> Fee applications must be in a separate hearing binder containing an index and delivered to chambers one week prior to the scheduled fee hearing. Click here for information regarding assembly of fee applications binder. Please do not submit a separate fee binder for each professional.
f. When Matters Do Not Go Forward	<ul style="list-style-type: none"> Fee application binders will be returned if matters do not go forward and shall be resubmitted at the appropriate time for the rescheduled hearing.
g. Mega Cases	<ul style="list-style-type: none"> Cases with \$100 million or more in assets and/or liabilities may have fee auditors appointed by the Court.

Section 7: Fee Applications, cont.

Topic	Procedure
h. Fees Requested	<ul style="list-style-type: none">• Counsel responsible for the agenda must prepare a chart of fees requested by all Court-approved professional firms.• Such chart shall be submitted to chambers at the time the fee application binders are delivered (one week prior to the hearing).• The chart shall include the following information for each firm:<ul style="list-style-type: none">i. The firm's role in the case (e.g., Debtor's counsel, Committee counsel);ii. The fee period during which such firm was retained;iii. Total fees and expenses requested in the case;iv. Amounts approved to date;v. Amounts outstanding; andvi. Amounts of any voluntary reductions.
i. Total of Fees Requested	<ul style="list-style-type: none">• In addition, the chart shall include a grand total of all professional fees and expenses in the case.
j. Additional Information on Fee Applications	<ul style="list-style-type: none">• Refer to <u>Del. Bankr. LR 2016-2</u> for additional information regarding fee applications.

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Section 8: Objections to Claims

Topic	Procedure
a. Declarations in Support of Claims	<ul style="list-style-type: none">• Declarations must be filed in support of all claim objections, including non-substantive objections.• Counsel cannot certify whether claims are duplicative, amended or late-filed unless they have personally reviewed those claims.
b. Continuing a Portion of a Particular Claim Objection to a Future Hearing Date	<ul style="list-style-type: none">• In the event a portion of a particular claim objection is continued to a future hearing date, only the claims/responses that are the subject of that hearing shall be listed on the subsequent notice of agenda.• A chart showing the status of all remaining claims/responses shall also be attached.
c. Claims Binders	<ul style="list-style-type: none">• Claims binders shall be delivered to chambers two weeks prior to the scheduled hearing.• The omnibus objection to claims and the declaration shall be included with any claims going forward in the binders.• Click here for information regarding assembly of claims binder.
d. If Matters Do Not Go Forward	<ul style="list-style-type: none">• Claims binders will be returned if matters do not go forward and shall be resubmitted at the appropriate time for the rescheduled hearing.

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